

1. a. Date of Hearing: Dept: Room: N/A

b. Judicial officer (*name*):

c. Persons present:

| | | | | |
|--|---|-----------------------------------|---|--|
| <input type="checkbox"/> Child | <input type="checkbox"/> Child's attorney | <input type="checkbox"/> Mother | <input type="checkbox"/> Mother's attorney | <input type="checkbox"/> Father |
| <input type="checkbox"/> Father's attorney | | <input type="checkbox"/> Guardian | <input type="checkbox"/> Deputy district attorney | <input type="checkbox"/> Probation officer/social worker |
| <input type="checkbox"/> Deputy county counsel | | <input type="checkbox"/> CASA | <input type="checkbox"/> Other: | |

2. Providing the information on this form to the parent or guardian ☐ will ☐ will not create a safety risk for the child (for example, because of the placement's confidentiality).

a. ☐ The information is to be withheld from the parent or guardian (name each):

b. ☐ The information is to be provided to the parent or guardian (name each):

- | | | |
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| Form Adopted for Mandatory Use Judicial Council of California JV-535 [Rev July 1, 2008] Modified for local use [6/2009] | FINDINGS AND ORDERS LIMITING RIGHT TO MAKE EDUCATIONAL DECISIONS FOR THE CHILD, APPOINTING EDUCATIONAL REPRESENTATIVE, AND DETERMINING CHILD'S EDUCATIONAL NEEDS | Education Code §§56156; Government Code, §7579.5; Welfare and Institutions Code §§ 361(a), 726; Cal. Rules of Court, rules 5.695(c)(3), 5.790(f)(5), 5.650 |
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9. Foster youth liaison (as defined in Education Code section 48853.5(b)) (*name and address*):

Linda Zall
Sacramento County Office of Education
P.O. Box 269003
Sacramento CA 95826

10. Child's attorney (*name, address and telephone*):

11. **After consideration of the evidence, the court finds and orders under Welfare and Institutions Code section 319(g), 361(a) or 726(b):**

- a. The right of the ☐ parent (name): ☐ parent (name): ☐ other (name):
☐ guardian (name): ☐ guardian (name): ☐ other (name):

to make education decisions for the child is (*specify*):

- ☒ limited by this court ☐ temporarily limited by this court (*if before disposition*)

- b. ☐ Parental rights have been terminated, and no one holds educational rights for this child.

- c. ☐ **[Long-Term Placement – Ed. Code § 56055(b)]** Reunification services for the child and family have been terminated or were never ordered and the child is placed in a planned permanent living arrangement with (*identify placement or indicate if placement is confidential*)

The child's current caretaker, and any successor, holds the education rights for this child as indicated in (1) or (2) below.

- (1) ☐ **[Current Caretaker Qualified]** The court finds that the identified foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may represent the child in all general and special educational matters under Education Code section 56055(a) and is not prohibited from doing so or excluded by Welfare and Institutions Code section 361 or 726 or 34 Code of Federal Regulations section 300.519 or 303.19

- (2) ☐ **[Current Caretaker Disqualified]** The following foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may not make education decisions for the child under Education Code section 56055(b).

- (a) Name:
(b) Address:
(c) Telephone:
(d) Relationship to child:

- d. ☐ **[Identified Educational Representative – General Education; Special Education if Applicable]** The following responsible adult, who has no apparent conflict of interest and who is not prohibited by Education Code section 56055 or 34 Code of Federal Regulations section 300.519 or 303.19, is appointed as the child's educational representative.

- (1) Name:
(2) Address:
(3) Telephone:
(4) Relationship to child:

- e. ☐ **[No Identified Educational Representative; Only if Special Education]** The court cannot identify a responsible adult to make education decisions for the child, and the child is potentially eligible for special education and related services or already has an individualized education program (IEP). Therefore, the court refers the child to the local educational agency (LEA). The LEA must make reasonable efforts to appoint a surrogate parent for the child under Government Code section 7579.5 within 30 days of the court's referral. The LEA must notify the court of the identity of the appointee on attached form JV-536 within seven calendar days of the date of the appointment, termination, resignation, or replacement of a surrogate parent.

NOTE: If box 11.e is checked, form JV-536, *Local Educational Agency Response to JV-535 – Appointment of Surrogate Parent*, must be attached when this order is served on the local education agency.

- f. ☐ **[No Identified Educational Representative; Only if not Special Education]** The court cannot identify a responsible adult to make educational decisions for the child, and the child does not qualify for special education. The court, with input from any interested person, will make educational decisions for the child.

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12. ☐ The child has the following educational and developmental needs (*check all that apply, if any*):
- ☐ The child is 0-3 years old and has been identified with a disability.
 - ☐ The child is 0-3 years old and is suspected of having a disability.
 - ☐ The child is 3 years old or older and has been identified with a disability.
 - ☐ The child is 3 years old or older and is suspected of having a disability.
 - ☐ The child is currently eligible for special education, general education accommodations and modifications, early intervention services, or regional center developmental services.
 - ☐ The child is receiving services based on the following plan (*check all that apply*):
 - ☐ Individualized education program (IEP)
 - ☐ Section 504 plan
 - ☐ Individual family plan (IFP)
 - ☐ Quality of life assessment
 - ☐ Other (*explain*):
 - ☐ The child is currently expelled and eligible to be readmitted on/after:
13. ☐ The educational representative is ordered to (*check all that apply*):
- ☐ submit to the local education agency a written referral for special education assessment and assessments under section 504 of the Rehabilitation Act of 1973.
 - ☐ submit to the regional center a written referral for an eligibility assessment.
 - ☐ submit to the local education agency a written referral for an assessment, evaluation, or services or a written request to convene the IEP team to review or revise the child's IEP.
 - ☐ submit a written request to the regional center to convene the IFP team to review or revise the child's IFP.
14. ☐ **[Special Education Only – Initial Assessment]** As provided under 34 Code of Federal Regulations § 300.300, the child's initial evaluation for special education services need not be postponed to await parental or guardian consent or appointment of an educational representative because one or more of the following circumstances have been met:
- ☐ The court has limited or temporarily limited the educational rights of the parent or guardian, and consent for an initial assessment has been given by an individual appointed by the judicial officer to represent the child.
 - ☐ The local education agency cannot discover the whereabouts of the parent or guardian.
 - ☐ The parent's rights have been terminated, or the guardianship has been set aside.
- The court appoints the following person to represent the child in the request for an initial evaluation (*name, address unless confidential*)
 [Note: can include social worker or probation officer]:
 Name: Address: Telephone:
15. The clerk will provide a copy of the completed JV-535 to the child if 10 years or older, to the child's attorney, to the social worker and probation officer, to the foster youth liaison, and to the educational representative at the end of the proceeding or no later than seven calendar days after the order. The clerk will make the form available to the parents or guardians (unless otherwise indicated on the form), the Court Appointed Special Advocate (CASA) volunteer, and, if requested, to all other persons provided notice under section 293.
 [Note: If 2.a is checked this form should not be mailed or made available to the parent or guardian.]
16. ☒ Within seven calendar days of this order, a copy of this order must be served on the local education agency and the appointed educational representative, if any, by (*choose one*):
- ☐ a representative of the county child welfare department (Department of Health and Human Services)
 - ☐ a representative of the probation department
 - ☒ the clerk of this court
 - ☐ the child's attorney

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17. **This order applies to any school or school district in the state of California.**

18. ☐ The educational representative, or the person whom the court appointed to represent the child for an initial evaluation, will report to the court regarding the child's education on *(date)*: _____ in Dept. _____ at _____ a.m./p.m.
- a. ☐ The reporting person is required to personally appear in court at the time and place indicated above.
- b. ☐ The reporting person is not required to personally appear in court at the time and place indicated above.
- c. ☐ The reporting person must deliver a written report to the court at least five (5) court days before the hearing date indicated above. The report may be, but is not required to be, presented on a JV-537 Educational Representative or Surrogate Parent Information form approved by the Judicial Council of California. (See www.courtinfo.ca.gov)

Date: _____

Judicial Officer

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